

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

SUMMIT GARDENS ASSOCIATES, et al.,

Plaintiffs,

v.

Case No.: 1:17-cv-02553-DCN

CSC SERVICEWORKS, INC.,

Defendant.

DEFENDANT'S STATUS UPDATE REGARDING CLASS SETTLEMENT

Pursuant to the Court's October 25, 2019 Order granting CSC's motion to stay (Doc. 82), Defendant CSC ServiceWorks, Inc. ("CSC") respectfully submits this update on the status of the settlement proceedings in the matter captioned *1050 W. Columbia Condominium Assoc., et al. v. CSC ServiceWorks, Inc.*, No. 2019-CH-07319 (Ill. Cir. Ct.).

As set forth in CSC's previous status updates, the settlement has been preliminarily approved, notice has been issued, the deadlines to submit Option 1 election forms, to object, or to opt out of the settlement have expired, and all Option 1 election forms have now been processed. The motion for final settlement approval was filed on May 29, objector Summit Gardens' response was filed on June 26, and a reply in support of the motion was filed on August 12. The final approval motion is now fully briefed.

In light of the COVID-19 pandemic, the *1050 W. Columbia* court postponed the final hearing (originally set for April 17, 2020) to be rescheduled to a date and time to be determined after briefing was complete. On September 4, 2020, the court held a clerk's status hearing during which it confirmed the completion of all briefing and reset the matter for a further clerk's status

hearing on October 27 to allow sufficient opportunity to review the briefing in advance of setting a hearing date on the motion for final approval.

Two weeks before that hearing, on October 13, and without leave of Court, Objector Summit Gardens filed a 23-page supplemental brief in further support of its objections. During the Court's October 27 status hearing, the Court decided to permit briefing on whether the Court should accept the supplemental brief and if so, the Parties' response to the supplemental brief. The Court then set the matter for further status on January 6, 2021.

In an effort to stop the continuing disruption and delays caused by the sequential filings by the objector, Summit Gardens, and to move the class settlement to final resolution, on December 28, 2020, the Class Settlement Plaintiffs filed a motion to set the final approval hearing, requesting that all pending matters, including the motion for final approval, be heard and that no further interim motions or other briefing be allowed. CSC filed a motion joining in that request on the same day.

During the January 6, 2021 status hearing, the Court did not take up the motion to set a final hearing date but denied Summit Gardens' motion for leave to file its supplemental brief, based on the Court's expressed concerns regarding the applicability of the cases cited in the brief to class actions, and in particular, class action settlements. The Court permitted Summit Gardens to file a supplemental brief by January 27, 2021 to address the applicability, if any, of its cited cases to class action settlements. The Court also requested a brief related to the specific issues under the *Lee v. Buth-Na-Bodhaige* case also argued by Summit Gardens to apply to the Court's consideration of the class settlement approval—specifically, to identify the *Lee* issues Summit Gardens believes the Court should address by way of an evidentiary hearing on settlement approval. The additional briefing on those matters by Objector Summit Gardens, Class Plaintiffs

and Defendant is scheduled to be completed on February 17, 2021. No new issues regarding final approval may be raised in the case absent leave of court. The case is set for a further status hearing on March 11, 2021.

The Court in the instant matter has set a further status on February 17, 2021.

Dated: January 25, 2021

Respectfully submitted,

/s Paul A. Williams

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CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of January 2021, the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Paul A. Williams

ATTORNEY FOR DEFENDANT